

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 5/14/2020

Case Number 2:19-cv-00632

Case Style: Center for Biological Diversity vs. United States Fish and Wildlife Service

Type of hearing Telephonic Status Conference

Before the honorable: 2508-Copenhaver

Court Reporter

Courtroom Deputy Law Clerk

Attorney(s) for the Plaintiff or Government Benjamin Luckett, Jared Margolis

Attorney(s) for the Defendant(s) Jason Bailey, Mark Brown, Kevin O'Scannlain, Marc Marie, Shawn Finley, Maranda White

Law Clerk CF

Probation Officer

Trial Time

Non-Trial Time

Pretrial conference (including settlement and telephone conferences).

Court Time

10:03 to 10:40

Total Court Time: 0 Hours 37 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled Start Time: 10:00am

Actual Start Time: 10:03am

Telephone Conference re: Stipulated Settlement Agreement

Judge asked why the Big Sandy River crayfish is not addressed in the Agreement. Parties answered that the forthcoming new Biological Opinion will cover all species and not only the two crayfish species. The parties agreed to undertake the guidance on the Guyandotte River crayfish as an interim action before the new Biological Survey is completed because the species is more jeopardized (than the Big Sandy River crayfish).

Judge asked about the final sentence of Paragraph 5. The parties answered that the only required actions in the Agreement are in Paragraphs 1 & 2.

Judge asked what the plaintiff can no longer do according to Paragraph 12. The plaintiffs answered that they could challenge the new Biological Opinion, and possibly challenge future reliance on the 1996 Biological Opinion once the new Biological Opinion is in effect.

Judge asked what would be a reasonable time limit to retain jurisdiction pursuant to Paragraph 12. The parties suggested that the court retain jurisdiction through 2020. Judge stated that the court will impose a time limit.

The final determination, as agreed to by the parties, is limited to Paragraphs 1 & 2 of the Agreement.

End Time: 10:40am